

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
UTICA DIVISION

In re

JOSE L. LIZARDI,

Debtor.

Chapter 11  
Case No. 12-62352

**APPLICATION FOR ORDER SHORTENING TIME AND LIMITING NOTICE  
PURSUANT TO F.R.B.P. 9006(c) AND 9007**

Debtor and Debtor-in-Possession, JOSE L. LIZARDI, ("Debtor"), respectfully applies to the Court for an Order shortening time and limiting notice pursuant to Rules 9006(c) and 9007 of the Federal Rules of Bankruptcy Procedure ("F.R.B.P.") of the Debtor's motions (1) for relief from the automatic stay pertaining to a pending appeal, and (2) for authorization to maintain existing bank accounts and cash management systems (the "**Motions**"), and in support of the application, states as follows:

1. This case was commenced by the filing of a Chapter 11 petition on December 20, 2012 (the "Petition Date"). The Debtor remains a debtor-in-possession. A committee of unsecured creditors has not been formed as of the date of this Motion.

2. The Debtor is a physician and the sole proprietor of a medical practice in Potsdam, New York.

3. A judgment was entered against the Debtor in the New York State Supreme Court for St. Lawrence County on November 19, 2012 in the amount of \$3,152,572.90 (the "Judgment"). The Debtor has filed an appeal of the Judgment in the Appellate Division of the New York State Supreme Court, and intends to perfect and to prosecute the appeal. The appeal seeks, *inter alia*, reversal of, or reduction in the amount of, the judgment, and the outcome of the appeal is material to the Debtor's formulation and confirmation of a plan of reorganization in this case.

4. The Appellate Division has scheduled a mandatory settlement conference for January 14, 2013.

5. Rule 9006(c) of the F.R.B.P. permits the Court to reduce the time required for notice of a hearing where appropriate. The Debtor seeks an Order of the Court shortening time so that the Motion may be heard prior to the January 14, 2013 settlement conference, so that this bankruptcy case does not in any way impede the possibility of a settlement of the state-court appeal. The Debtor also seeks shortened notice of the motion for maintenance of existing bank accounts so that both Motions can be heard at the same time, for purposes of efficiency and judicial economy.

6. Upon information and belief, the motion for relief from the automatic stay is on consent of the judgment creditor.

7. The within application also seeks pursuant to F.R.B.P. 9007 the Court's authorization to limit notice of the Motion to the judgment creditor's counsel, the United States Trustee, the twenty largest unsecured creditors, and all parties who have appeared in the bankruptcy case. It is respectfully submitted that there are no other parties entitled to notice, or who would be prejudiced by not receiving notice of the Motions.

10. The Debtor believes the foregoing requested relief is reasonable and justified under the circumstances.

**WHEREFORE**, the Debtor respectfully requests that this Court enter an Order shortening time and limiting notice pursuant to F.R.B.P. 9006(c) and 9007 of the foregoing Motions, and granting such other and further relief as to the Court may be seem just and proper.

**Dated:** January 7, 2013  
Albany, New York

**NOLAN & HELLER, LLP**  
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By: 

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